

REMARKS

Claims 17-52 are pending in the present Application, with claims 51 and 52 having been added with this Response. Claims 26, 35-38, 41, and 43 are amended above. The Examiner's rejections will now be respectfully addressed in turn.

Claim Rejections Under 35 U.S.C. §102(e)

Claims 17-28, 30-44, and 46-50 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,564,123 to Hahn (hereinafter "Hahn"). Applicant respectfully traverses this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant's claim 17 recites *inter alia*,

"calculation of dimensions of a *specific area* using the recorded ambient data, and evaluation of a suitability of the specific area as a parking space *taking into account the calculated dimensions and known, vehicle-specific reference values*,"

Applicant's claim 26 recites *inter alia*,

"calculating dimensions of a *specific area* on a basis of the recorded ambient data and for evaluating a suitability of the specific area as a parking space *on a basis of the calculated dimensions and known, vehicle-specific reference values*,"

Applicant's claim 35 recites *inter alia*,

“detection of a rear boundary of a *specific area* of said surroundings, said specific area being potentially suitable as a parking space...and

evaluation of a suitability of the specific area as a parking space *taking into account the calculated dimensions and known, vehicle-specific reference values,*” and

Applicant’s claim 43 recites *inter alia*,

“an evaluation device configured to detect a rear boundary of a *specific area* of said surroundings,...and evaluating a suitability of the specific area as a parking space *on a basis of the calculated dimensions and known, vehicle-specific reference values.*”

Hahn does not teach calculation of dimensions of a *specific area*, detection of a rear boundary of a *specific area*, or evaluation of a suitability of the specific area as a parking space *taking into account the calculated dimensions and known, vehicle-specific reference values.* With regards to the “specific area,” Hahn merely teaches generation of “3-D information about the environment” (see column 3 lines 44-45), which would be equitable to Applicant’s “external area” or “surroundings,” as recited in Applicant’s claims 17, 26, 35, and 43. However, Hahn does not teach further calculation or detection within a “specific area” contained within the “external area” or “surrounding.”

With regards to evaluation of a suitability of the specific area as a parking space taking into account the calculated dimensions and known, vehicle-specific reference values, Hahn merely teaches a checking for “obstacles” that may be present in” a planned path of travel” (see column 3 lines 35 and 49). Hahn teaches nothing of “calculated dimension” of a potential parking spot or “known vehicle specific reference points” that may be used in conjunction with these calculated dimensions to determine suitability of a parking spot.

Furthermore, Applicant’s claims 35 and 43 recite *inter alia*,

“eliminating a background from said three-dimensional images on account of said rear boundary.”

Hahn does not teach *elimination* of a background from three-dimensional images on account of said rear boundary. Instead, as mentioned above, Hahn merely teaches detection of obstacles. Hahn teaches nothing of modification of a drivers background or surroundings.

For at least the above reasons, Hahn fails to disclose all of the limitations of claims 17, 26, 35, and 43. Accordingly, Hahn does not anticipate claims 17, 26, 35, and 43. Applicant respectfully submits that Claims 17, 26, 35, and 43 are not further rejected or objected and is therefore allowable. Claims 16-25, 27-28, 30-34, 36-42, 44, and 46-50 depend variously from claims 17, 26, 35 and 43, are not further rejected or objected and are correspondingly allowable. Reconsideration and allowance of claims 17-28, 30-44, and 46-50 is respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Claims 29 and 45 are rejected under 35 U.S.C. 103(a) over Hahn. Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

As claims 29 and 45 depend from claims 26 and 43 respectively, for at least the reasons discussed with regards to claims 26 and 43 above, Applicant respectfully asserts that Hahn does not teach every element of claims 29 and 45. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding amended claims 29 and 45 with respect to Hahn.

Since Hahn fails to teach or suggest all of the limitations of claims 29 and 45, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify the reference, or a reasonable likelihood of success in forming the claimed invention by modifying the reference. Thus, here again, *prima facie* obviousness does not exist. *Id.*

As such, the requirements of *prime facie* obviousness does not exist regarding claims 29 and 45 with respect Hahn. Applicant respectfully submits that claims 29 and 45 are not further rejected or objected and is therefore allowable.

Conclusion

All of the objections and rejections are herein overcome. In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. No new matter is added by way of the present Amendments and Remarks, as support is found throughout the original filed specification, claims and drawings. Prompt issuance of Notice of Allowance is respectfully requested.

The Examiner is invited to contact Applicant's attorney at the below listed phone number regarding this response or otherwise concerning the present application.

Applicant hereby petitions for any extensions of time under 37 C.F.R. 1.136(a) or 1.136(b) necessary for entry and consideration of the present Reply.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,

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